IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	10/700,615	Confirmation No.	: 2412
Applicant	:	Brian STYLES et al.		
Filed	:	November 4, 2003		
TC/A.U.	:	2155		
Examiner	:	Bharat Barot		
Docket No.	:	570-P0002		

PRE-APPEAL BRIEF

The following remarks are submitted to be considered along with the Applicant's Notice of Appeal. The references cited by the Examiner do not teach each and every element in the independent claims of the instant application, as required by 35 U.S.C. § 102 (e).

Overview of the Current Invention

Preferred Embodiments of the present invention provide an improved method and apparatus for configuring a local run-time environment for a user on the client workstation. Today it is common for most corporate networks to use logon scripts because they assist with centralized administration. Logon scripts are difficult to create, edit, and administer. Also logon scripts in certain run-time environments such as Windows NT/2000/2003/XP/Vista can be assigned to a single user or multiple users. Logon scripts are aptly name configuration files that run upon user logon to a workstation or client system. The present invention allows configurations of a local run-time environment for one or more user accounts on a client system based on whether or not the client system is a portable system e.g. laptop as opposed to desktop system. This is important because prior art systems do not differentiate the runtime environment for a portable system. Applying configuration settings to a portable device many times requires a network connection. For example, if a portable device tries to connect to a network drive or download an update to an operating system or antivirus update, this often results in a warning message. These types of messages often confuse rather than assist the user.

Rejection under 35 U.S.C. §102(e)

As noted above, the Examiner rejected claims 1 and 3-22 under 35 U.S.C. § 102(e) as being anticipated by Pitzel et al. (U.S. Patent No. 7,062,765). The Examiner at the bottom of page 2 continuing on the top of page 3 of his final office action states "*As to claim 1, Pitzel et al teaches a method [...] receiving at least one local run-time environmental condition including at least*

one condition based on whether a client system is one of a desktop and a portable system to determine whether one or more selectable configuration settings are applied on the client system (figure 1; column 2, lines 20-38 and column 3 lines 28-63) wherein the one or more selectable configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein (figure 1; column 3, lines 46-63 and column 4 lines8-40)." However, careful reading of Pitzel discloses only one location where the word "portable" is used and that is at col. 3, lines 54-58. Specifically in the words of Pitzel reproduced here for convenience (emphasis added):

> *"Furthermore, the client computer 104, the configuration server 112, the component server 116, and the download server 118 may be desktop, server, portable, hand-held, set-top, or any other desired type of configuration. Furthermore, the client computer 104, the configuration server 112, and the component server 116, and the download server 118 each may be used in connection with various operating systems such as: UNIX, LINUX, Disk Operating System (DOS), OS/2, Windows 3.X, Windows 95, Windows 98, and Windows NT."*

Clearly, Pitzel is broadly teaching that the client system can be any type of computer; however, Pitzel is completely silent on using the fact that the client machine is a portable machine (as opposed to a desktop) as an environmental condition to determine as whether to apply a configuration setting. Independent claim 1 of the present invention has been previously amended to further clarify how the portable detection occurs "receiving at least one local run-time environmental condition including at least one condition based on whether a CPU in a client system is one of a mobile type to determine whether one or more selectable configuration settings are applied on the client system." Pitzel is completely silent on using information, whether or not the client computer 104 is a portable computer, to apply selectable configuration settings. Moreover, Pitzel makes no mention of portable detection based on CPU in the client system, that is, Pitzel is completely silent on:

> determining if the environmental condition indicates that the client system is a portable system; and
>
> in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system.

The Examiner cites 35 U.S.C. § 102(e) and a proper rejection requires that a single reference teach (i.e., identically describe) each and every element of the rejected claims as being anticipated by Pitzel.[1] Because the elements in independent claim 1 of

> receiving at least one local run-time environmental condition including at least one condition based on whether a CPU in a client system is one of a mobile type to determine whether one or more selectable configuration settings are applied on the client system [...]
>
> determining if the environmental condition indicates that the client system is a portable system; and
>
> in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system.

are not taught or disclosed by Pitzel. No detection of a portable client system 104 is taught or suggested by Pitzel for applying configuration settings. Accordingly, the present invention distinguishes over Pitzel for at least this reason. The Applicants respectfully submitted that the Examiner's rejection under 35 U.S.C. § 102(e) has been overcome.

Independent claim 1 has been previously amended to distinguish over Pitzel. Claims 3-7 depend from claim 1, since dependent claims contain all the limitations of the independent claims, claims 3-7 distinguish over Pitzel, as well.

With respect to claim 3, the Examiner states on page 3, paragraph 6 of his final office action, "*As to claim 3, Pitzel et al. teach that the determining if the environmental condition is met where the client system is a portable system includes determining/verifying the client components (hardware/software) and assigning a confidence value (identifier) to each components (figures 2-3 and column 5 line 64 to column 7 line 11).*" The Applicants respectfully traverse this rejection. Claim 3 recites:

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[1] See MPEP §2131 (Emphasis Added) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim."

3. (Original) The method of claim 1, wherein the determining if the environmental condition is met where the client system is a portable system includes assigning a confidence value to each of the following:

a client CPU is a mobile type;

a PC Card driver is started;

a PC Card is inserted in a socket;

a system battery is present;

an uninterruptible power supply (UPS) is connected; and

a portable power scheme is selected in an operating system

and using one or more of the confidence values to determine if the client system is a laptop.

are not taught or disclosed by Pitzel. No detection of a portable client system 104 is taught or suggested by Pitzel for applying configuration settings. Pitzel does not suggest, mention or teach any of these terms "a client CPU is a mobile type"; "a PC Card driver is started"; "a PC Card is inserted in a socket"; "a system battery is present";"an uninterruptible power supply (UPS) is connected"; and "a portable power scheme is selected in an operating system" and using one or more of the confidence values to determine if the client system is a laptop." The Examiner is comparing Pitzel's use of an "identifier" to "confidence values". Pitzel defines at col. 6, lines 6-8 as "*The configuration file identifier 202 identifies the format of the remainder of the configuration file 114. In one embodiment of the invention, at least two types of configuration files exist: a client readable configuration file (CR file) and a server configuration file (SR file).*" Therefore Pizel is clearly using the term "identifier" to mean a format identifier of the configuration file. In contrast, claim 3 of the present invention uses "confidence values" to mean a level of assuredness the system is indeed a portable system. Examples of this confidence value are shown in the source code example of FIG. 11 of the present invention as originally filed. The source code at FIG. 11 lines 8-9, lines 15-17 and repeats for every case statement assigning the "$ClientClassRule=" expression gives examples of this assuredness value.[2] Accordingly, claim 3 of the present invention distinguishes over Pitzel for at least this reason as well.

[2] Although the claims are being rejected under 35 U.S.C. §102, the Federal Circuit held a reference did not render the claimed combination prima facie obvious because inter alia, the Examiner ignored material, claimed temperature limitations which were absent from the reference. See MPEP §2143.01 In In re Fine, the claims were directed to a system for detecting and measuring minute quantities on nitrogen compounds comprising a gas chromatograph, a converter which converts nitrogen compounds into nitric oxide by combustion, and a nitric oxide detector. The

With regards to claims 8-21, these claims have been amended to positively recite a specific type of portable device detection. More specifically, independent claim 8, 14, 20, 21, and 22 have similar limitations as independent claim 1, however rather than specifically reciting "whether a CPU in a client system is one of a mobile type" before applying configuration settings, independent claim 8 explicitly recites "whether a PC Card driver is started", independent claim 14 explicitly recites "whether a PC Card is inserted in a socket"; independent claim 20 explicitly recites "whether a system battery is present"; independent claim 21 explicitly recites "whether an uninterruptible power supply (UPS) is connected"; and independent claim 22 explicitly recites "whether a portable power scheme is selected." Pitzel is silent on this type of specific portable detection. Accordingly independent claims 8, 14, 20, 21 and 22 distinguish over Pitzel for at least these reasons. All the remaining claims, i.e. claims 9-13, and 15-19 depend from independent claims 8 and 14 respectively. Since dependent claims contain all the limitations from the claims they depend, dependent claims 9-13, and 15-19 distinguish over Pitzel, as well.

The Applicant respectfully requests that the claims 1 and 3-22 of the present invention be allowed or in the alternative reopen prosecution on the merits citing art teaching every element recited in the claims.

Respectfully submitted,

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By: /Jon Gibbons/
Jon A. Gibbons
Registration No.: 37,333
Attorney for Applicants

FLEIT, KAIN, GIBBONS,
GUTMAN, BONGINI & BIANCO P.L.
One Boca Commerce Center
551 Northwest 77th Street, Suite 111
Boca Raton, Florida 33487
Telephone: (561) 989-9811
Facsimile: (561) 989-9812

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primary reference disclosed a system for monitoring sulfur compounds comprising a chromatograph, combustion means, and a detector, and the secondary reference taught nitric oxide detectors. The Examiner and Board asserted that it would have been within the skill of the art to substitute one type of detector for another in the system of the primary reference, however the court found there was no support or explanation of this conclusion and reversed.